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# HOUSE BILL No. 1070

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 24-10.

**Synopsis:** Forced use of internal identification device. Prohibits a governmental entity from requiring a person to use or have implanted a subcutaneous identification device. Prohibits a person from requiring an individual to use or have implanted a subcutaneous identification device as a condition of employment, insurance, medical treatment, receiving a service, or doing business with the person. Authorizes an individual to bring an action to enforce these provisions. Permits a prevailing plaintiff to receive: (1) the greater of actual damages or an award of up to \$10,000; and (2) reasonable attorney's fees.

**Effective:** July 1, 2007.

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## Crooks

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January 8, 2007, read first time and referred to Committee on Courts and Criminal Code.

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Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

## HOUSE BILL No. 1070

A BILL FOR AN ACT to amend the Indiana Code concerning civil rights.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 24-10 IS ADDED TO THE INDIANA CODE AS  
2 A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
3 2007]:  
4 **ARTICLE 10. SUBCUTANEOUS IDENTIFICATION**  
5 **DEVICES**  
6 **Chapter 1. Subcutaneous Identification Devices**  
7 **Sec. 1. As used in this chapter, "governmental entity" means:**  
8 (1) the state, including the executive, legislative, judicial, and  
9 administrative departments;  
10 (2) a county, township, city, town, separate municipal  
11 corporation, special taxing district, or public school  
12 corporation;  
13 (3) any authority, board, bureau, commission, committee,  
14 department, division, hospital, military body, or other  
15 instrumentality of any entity described in subdivision (1) or  
16 (2); or  
17 (4) a state assisted college or state assisted university.



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1       **Sec. 2. As used in this chapter, "person" means an individual, a**  
 2       **partnership, a business firm, a limited liability company, a**  
 3       **corporation, an organization, or another entity.**

4       **Sec. 3. As used in this chapter, "subcutaneous identification**  
 5       **device" means a device that:**

- 6           (1) is implanted under the skin of a human being; and  
 7           (2) is capable of storing and transmitting data.

8       **Sec. 4. A governmental entity may not require an individual to**  
 9       **use or have implanted a subcutaneous identification device.**

10       **Sec. 5. A person may not require an individual to use or have**  
 11       **implanted a subcutaneous identification device as a condition of:**

- 12           (1) employment;  
 13           (2) insurance;  
 14           (3) medical treatment;  
 15           (4) receiving a service; or  
 16           (5) doing business with the person.

17       **Sec. 6. An action to enforce this chapter may be brought in any**  
 18       **court with jurisdiction. A prevailing plaintiff is entitled to the**  
 19       **greater of:**

- 20           (1) the plaintiff's actual damages; or  
 21           (2) not more than ten thousand dollars (\$10,000).

22       **In addition, the court may award a prevailing plaintiff reasonable**  
 23       **attorney's fees.**

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